



September 18, 2007 CPC
October 24, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0378

Donald M. and Suzanne C. Rudd

Matoaca Magisterial District
Northeast quadrant of Beach and Winterpock Roads

REQUEST: Rezoning from Agricultural (A) to Neighborhood Business (C-2) of 2.8 acres plus proffered conditions on an existing zoned Community Business (C-3) 1.2-acre tract.

PROPOSED LAND USE:

Commercial uses are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

AYES: MESSRS. BASS AND GULLEY.

ABSTENTIONS: MESSRS. GECKER, LITTON AND WILSON.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposal does not conform to the Southern and Western Area Plan which suggests the property is appropriate for neighborhood scale shopping uses. Specifically, the C-3 uses do not comply with the Plan.
- B. Further, a detailed service center plan for this area was adopted in conjunction with the Plan. The applicant has not addressed the design features recommended in the Plan.

- C. Transportation concerns relative to right-of-way dedication and access limitations have not been addressed.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. The developer will analyze the culvert under Winterpock Road to where the request property drains. If the pipe is found to be inadequate the developer will replace the pipe, or retain water on site, or a combination such that the pipe under Winterpock Road meets current day VDOT criteria. (EE)
3. Prior to any site plan approval, forty-five (45) feet of right-of-way along the north side of Beach Road, and forty-five (45) feet of right-of-way along the east side of Winterpock Road measured from the centerline of that part of the roadway immediately adjacent to the property, with the exception of the area that the existing underground tanks are located within the existing right of way, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along Beach Road and Winterpock Road at the approved access(es) to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - B. Widening/improving the north side of Beach Road and the east side of Winterpock Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - C. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified

above. In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for any improvement described in Proffered Condition 6, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

5. Direct Vehicular access from the property to Beach Road shall be prohibited and direct vehicular access to Winterpock Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
6. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)
7. Architectural characteristics of any new structures on the subject property shall be comparable in nature to that of the existing vernacular architecture of the area. (P)

GENERAL INFORMATION

Location:

Northeast quadrant of the intersection of Beach and Winterpock Roads. Tax ID 721-656-4435.

Existing Zoning:

A and C-3

Size:

4.0 acres

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North - A; Single-family residential
South - A; Vacant
East - A and C-3; Single-family residential
West - A; Public/semi-public (church) or vacant

UTILITIES

Public Water System:

The request site is within the Physic Hill Tank Pressure Zone. There is a sixteen (16) inch water line extending along Beach Road opposite this site. In addition, a sixteen (16) inch water line extends across Beach Road, across the subject property within an easement, and continues north within an easement along the east side of Winterpock Road. Use of the public water system is required by County Code.

Public Wastewater System:

The public wastewater system is not available to serve this site. The request property naturally drains towards the northwest, across Winterpock Road to Fuqua Branch. There is an eighteen (18) inch wastewater trunk line along a portion of Fuqua Branch that terminates within Ashbrook Subdivision, approximately 11,500 feet north of this property. A sewer line is planned along Fuqua Branch with construction of the “Harpers Mill” development. The construction timeframe for this line is unknown; however, with completion, an additional extension of approximately 6,000 feet would be required to serve the request property.

The applicant has submitted a proffer agreeing to connect all uses to the public wastewater system, with the exception of one (1) convenience store which would initially develop on a septic system, and would connect to the public system at such time as it has been extended to within 200 feet of the request site and if easements are available (Proffered Condition 1). The request site is on the fringe of the Rural Conservation Area of the Southern and Western Area Plan, therefore use of the public wastewater system is required by County Code (18-64-a). The County Code has a provision for pursuing a waiver of this requirement from the Planning Commission during schematic or site plan review.

Private Septic System:

The Health Department must approve the continued or expanded use of any private septic system.

ENVIRONMENTAL

Drainage and Erosion:

The property drains to the northwest under Winterpock Road and then north to Lake Ashbrook and Swift Creek Reservoir. Development must comply with the Upper Swift Creek Water Quality requirements.

Approximately seventy (70) percent of the property is wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 1). This will insure that adequate erosion control measures are in place prior to any land disturbance.

There are no existing or anticipated on- or off-site erosion problems.

The site drains approximately 250 feet to the north to an existing culvert under Winterpock Road. It appears the culvert is inadequate to meet current day criteria; therefore, the road in this location could flood with the development of this property. The applicant has proffered to either retain water on site such that the existing culvert meets current day criteria, improve the culvert or a combination of both measures (Proffered Condition 2). There are no on-site drainage problems.

PUBLIC FACILITIES

Fire Service:

The Clover Hill Fire Station, Company #7 and the Winterpock Fire Station, Medic #19, provides fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

Transportation:

The property is four (4) acres located at the northeast corner of the intersection of Winterpock Road and Beach Road. Approximately one (1) acre of the property is currently zoned Community Business (C-3) and is to remain C-3. The applicant is requesting rezoning of the 2.8 acres of Agricultural (A) property to C-2. A convenience store ("Crump's Store") with gas pumps has been developed on the property. The applicant has indicated that the property may be redeveloped as a convenience store with additional gas pumps. A convenience store with eight (8) fueling positions could generate approximately 4,300 average daily trips (ADT). This traffic would be distributed along Beach Road and Winterpock Road, which had 2006 traffic counts of 3,176 ADT and 8,766 ADT, respectively. Based on the volume of traffic they carry during peak hours, Beach Road is functioning at an acceptable level (Level of Service D) and Winterpock Road is at capacity (Level of Service E).

The Thoroughfare Plan identifies Winterpock Road as a major arterial with a recommended right of way width of ninety (90) feet; however, included in the proposed amendment to the Upper Swift Creek Plan is a recommendation to increase the recommended right of way width for Winterpock Road to 120 feet. Staff has determined that this section of Winterpock Road will need to be six (6) lanes to accommodate traffic volumes at total build out. A 120-foot wide right of way is required to construct a six (6) lane facility. When asked, the applicant was not willing to dedicate sixty (60) feet of right of way along Winterpock Road, measured from the centerline, in accordance with this recommendation. The applicant has proffered to dedicate forty-five (45) feet of right of way along Winterpock Road (Proffered Condition 3). Due to the turn lanes and other improvements that will be necessary at this intersection, forty-five (45) feet will not be adequate to accommodate the widening that will be needed. If this intersection is improved in the future, additional right of way will have to be acquired from the property.

Access to major arterials, such as Winterpock Road and Beach Road, should be controlled. Due to the limited frontage that the property has along both roadways, vehicular access to the property should be limited to one access on Winterpock Road located at the northern property line and access to Beach Road should be prohibited (Proffered Condition 5). Because of the proximity to the intersection of Beach Road and Winterpock Road, this access should also be limited to right turns in and right turns out only. The applicant is not willing to limit the turning movements, as requested.

Because the applicant is not willing to dedicate additional right of way or limit turning movements at the Winterpock Road access, the Transportation Department cannot support this request.

The Thoroughfare Plan identifies Beach Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way along Beach Road in accordance with this Plan. (Proffered Condition 3)

To address the traffic impact of this request, the applicant has proffered to construct right and left turn lanes along Beach Road and Winterpock Road at each approved access, improve each roadway for the entire property frontage, and dedicate any additional right of way required for these improvements (Proffered Condition 4). According to Proffered Condition 4.c, if the developer is unable to acquire any right of way required for these improvements, the developer may request the county to acquire the right-of-way as a public road improvement. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the off-site right-of-way and will only be obligated to construct road improvements within available right-of-way.

As stated earlier, without a commitment to dedicate additional right of way along Winterpock Road and limit turning movements at the Winterpock Road access, the Transportation Department cannot support this request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for neighborhood scale shopping center uses. During development of the Plan, area citizens, Planning Commission and Board of Supervisors expressed an interest to study the Winterpock/Beach Road intersection in more detail in anticipation of future redevelopment resulting from demands for neighborhood commercial uses to serve residential growth in the area. Some of the interest was spurred by the existence of Crump's Store which had served the community with convenience services for years and the desire to at least maintain some sense of a "community commercial center" at this location. As a result, a detailed service center plan for this area was adopted in conjunction with the Plan (See Attachment).

The detailed plan suggests consideration be given to widening area roads to accommodate increased through traffic. While at the same time promoting creation of a neighborhood center with buildings constructed along Beach and Winterpock Roads that replicate rural design. Those commercial uses are intended to transition toward less intense uses, such as offices. The Plan further recommends that a loop road be constructed between Winterpock and Beach Roads, creating a "new entrance" and "front" for future commercial development.

At the time, new urbanism or neo-traditional development had not come into vogue, but in many ways the vision for this area encompassed some of the basic elements of this current trend.

Area Development Trends:

The area is characterized by a mix of residential uses on acreage parcels and public/semi-public (church and recreation) uses with this crossroads providing community services for this area. A mix of office and commercial uses is expected to develop around the intersection in the foreseeable future, as suggested by the Plan.

Development Standards:

Currently, the property lies within an Emerging Growth Area. If this request is approved any new or additional development on the site must conform to the Emerging Growth District requirements of the Zoning Ordinance for commercial districts. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. These standards address access, parking, landscaping, architectural treatment, setbacks, building height, signs, buffers, pedestrian access, lighting, utilities and screening of dumpsters, loading areas and outside storage. These standards are not, however, reflective of the recommendations of the Plan. Staff has recommended that the applicant offer other design standards which specifically address the recommendations of the Plan;

however, to date, the applicant has been unwilling to address those concerns with the exception of the architectural standards offered herein.

Staff accepts that the “Detailed Service Plan” may be outdated, especially given the Transportation Department’s position relative to necessary road widening in the area. Staff, however, cautions that deviation from the recommendations should be considered carefully especially given interest in further commercial development in other quadrants of the intersection (pending zoning case, by the Rebkee company)

Prior to deviation from the recommendations of the “Detailed Service Center Plan”, it would be more appropriate to reevaluate the entire intersection and develop a vision for an area intended to provide the community with basic commercial services, but also serve as the village center such as Crump’s Store has for years.

Uses:

As previously noted, part of the property is currently zoned Community Business (C-3). That zoning was granted to accommodate the existing Crump’s Store. The Plan recommends that the property be developed for community commercial or C-2 type uses. The remainder of the subject property is currently zoned Agricultural (A) and is proposed for Neighborhood Business (C-2) uses.

The applicant has included the existing zoned C-3 tract for the purpose of proffering conditions. Planning Staff had envisioned that it was the applicant’s intent to proffer conditions which would limit uses permitted on the property; however, the conditions offered only address transportation, utility and drainage concerns, all of which could be addressed through the plans review process. From a zoning standpoint, inclusion of the existing zoned C-3 property has not resulted in the applicant addressing the use recommendations of the Plan. Should the applicant address the design issues recommended by the Plan by the “Detailed Service Center” recommendations, it may be appropriate to deviate from the land use recommendations.

Architecture:

It should be noted, the Plan suggests any new construction incorporate the significant architectural features of nearby historic buildings to insure visual compatibility and appropriately reflect the community history and culture. The applicant has proffered that new structures would be comparable to “the existing vernacular architecture of the area” (Proffered Condition 7). This language is vague and more details should be provided to address the recommendations of the Plan.

CONCLUSION

As discussed herein, the proposal fails to conform to the Southern and Western Area Plan. The applicant is unwilling to limit uses on the currently zoned C-3 portion of this request, but more importantly has failed to address the design recommendations of the Plan.

In addition, proffered conditions relating to transportation concerns relative to right-of-way dedication and access limitations have not been addressed.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (9/18/07):

The applicant did not accept the recommendation. There was no opposition present.

Mr. Bass expressed concerns that the transportation and design issues have not been addressed.

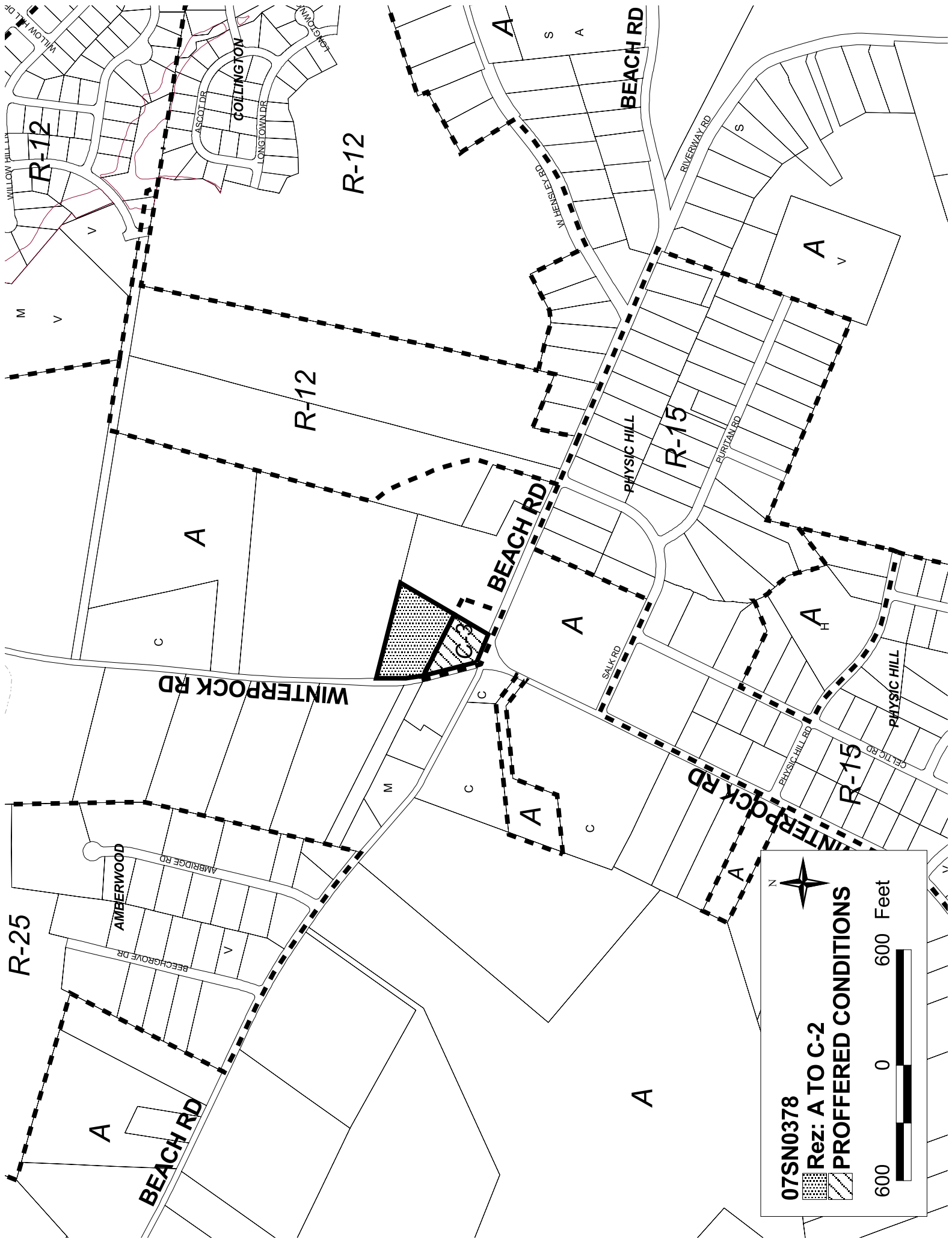
On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended denial.

Ayes: Messrs. Bass and Gulley.

Abstentions: Messrs. Gecker, Litton and Wilson.

The Board of Supervisors, on Wednesday, October 24, 2007, beginning at 6:30 p.m., will take under consideration this request.

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Rez: A TO C-2

PROFFERED CONDITIONS

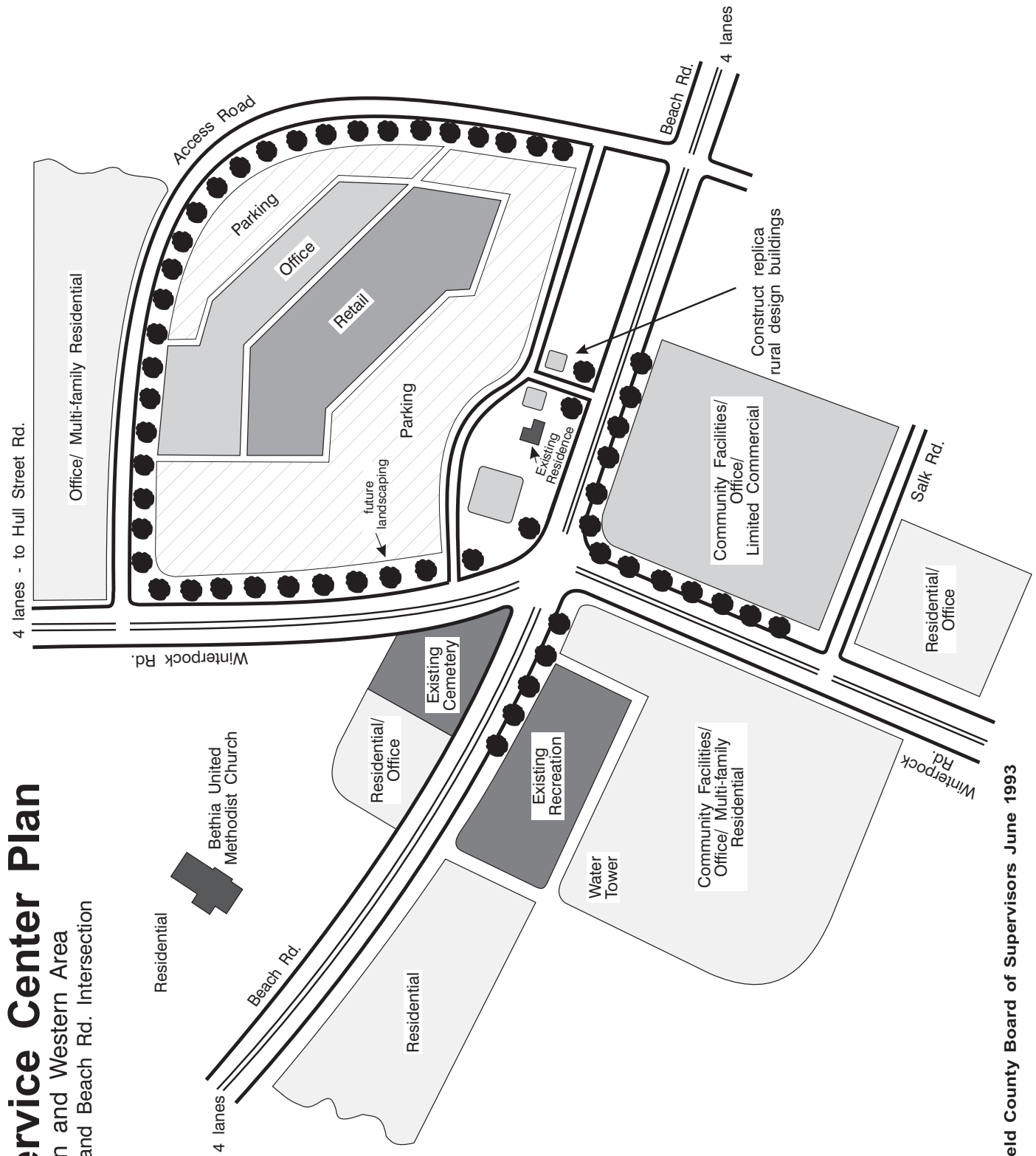


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Winterpock and Beach Rd. Intersection



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